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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,671	11/12/2003	Carmen Ludwig	15540-015001 / A 100 503	4661

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EXAMINER	
SAFAVI, MICHAEL	
ART UNIT	**PAPER NUMBER**
3673	

DATE MAILED: 12/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/705,671	LUDWIG ET AL.	
	Examiner	Art Unit	
	M. Safavi	3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 October 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17,19 and 20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17, 19, and 20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-12, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanders et al. in view of Lamb et al.

Sanders et al. discloses, Figs. 1-6, a tabletop segment of a patient supporting device that is pivotally attached about a horizontal axis to a carrying structure 20 or 10 having a radiolucent capacity, col. 5, lines 11-13 and 64-66. A column 12 supports the tabletop segment of a patient supporting device, thus the carrying structure 20 or 10.

Lamb et al. discloses, Fig. 1A, A multi-part carrying structure apparatus for supporting a body part of a patient, the apparatus comprising a main carrying structure 10 having a narrow support surface, a first additional part 17 having a support surface, the first additional part being detachably connected to the main carrying structure, wherein when the first additional part is connected to the main carrying structure a first combined support surface including the narrow support surface of the main carrying structure and the support surface of the first additional part is wider than the narrow support surface of the main carrying structure, and wherein the main part and the first additional part are produced from a material, including a carbon-fiber material, having a high degree of transparency for X-rays, col. col. 3, line 65 to col. 4, line 3. A second additional part in mirror-inverted manner to the first additional part is taught, col. 7, lines

30-31. The main part is configured in the form of a Y but could be considered a T as well. As for **claim 2**, a coupling element is inherently used for connecting the main part to the first additional part.

Therefore, to have provided the Sanders et al patient supporting table with a multi-part carrying structure apparatus for supporting a body part of a patient comprising a main carrying structure 10 having a narrow support surface, a first additional part 17 having a support surface with the first additional part being detachably connected to the main carrying structure and a second additional part, (17 on opposite side), having a support surface with the second additional part being detachably connected to the main carrying structure in place of the carrying structures 20 and 10, thus providing the appropriately desired full support surface function or partial support surface function, would have been obvious to one having ordinary skill in the art at the time the invention was made as taught by Lamb et al.

As for **claim 20**, to have formed the resulting patient supporting table as detachable from the supporting column, thus allowing extended versatility, would have constituted an obvious expedient to one having ordinary skill in the art at the time the invention was made particularly, since it has been well established that if considered desirable for any reason it would be obvious to form parts or sections as removable one from another, In re Dulberg, 289 F.2d 522, 523, 129 USPQ 348, 349 (CCPA 1961). Also, that a claimed device is portable or movable is not sufficient by itself to patentably distinguish over an otherwise old device unless there are new or unexpected results, In re Lindberg, 194 F.2d 732, 93 USPQ 23 (CCPA 1952).

Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanders et al. in view of Lamb et al. as applied to claims 1-11, 19, and 20 above, and further in view of Kirchgeorg.

Sanders et al in view of Lamb et al. appears to express that the carrying structure is formed of a carbon fiber material. However, Kirchgeorg et al. does disclose a support structure formed of a carbon fiber material and substantially transparent to X-rays, col. 4, lines 49-59 and claim 10. Therefore, to have formed the modified Sanders et al. support structure of a carbon fiber material, including any and all parts thereof, thus allowing for a high degree of transparency to X-rays as well as providing a sturdy support structure, would have been obvious to one having ordinary skill in the art at the time the invention was made as taught by Kirchgeorg et al.

Claims 2 and 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanders et al. in view of Lamb et al. as applied to claims 1-11, 19, and 20 above, and further in view of Conner et al.

Conner et al. discloses utilization of connecting members in the form of a coupling element including a connecting element 80 that is movably mounted on the additional part of a support surface and that can be introduced into a receptacle 29, for example, within the main or another additional part. To have attached the additional surfaces 17 of the modified Sanders et al. support surface with a connecting device in the form of connecting elements that are movably mounted on the additional part 17 of

the support surface and that can be introduced into a receptacle within the main part 10, thus allowing a quick connection and release therefrom, would have been obvious to one having ordinary skill in the art at the time the invention was made as taught by Conner et al. Further, to have attached the additional surfaces 17 of the modified Sanders et al. support surface with a connecting device in the form of connecting elements that are movably mounted on the main part 10 of the support surface and that can be introduced into a receptacle within the additional part 17, thus allowing a quick connection and release therefrom, would have been obvious to one having ordinary skill in the art at the time the invention was made as taught by Conner et al. and since it has been established that mere rearrangement or reversal of parts has no patentable significance unless new and unexpected result is produced, In re Gazda, 219 F.2d 449, 104 USPQ 400 (CCPA 1955). To further form any such connecting parts of a carbon fiber material, thus allowing for uniformity within the modified Sanders et al. support surface, would have been obvious to one having ordinary skill in the art at the time the invention was made as taught by Conner et al.

Claims 1-12, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lamb et al. in view of Pennington et al.

Arguments to Lamb et al. can be found above. Pennington discloses, Figs. 1, 3-10, 15, 16, and 21, a patient supporting device attached to a column and with the capability of tilting along two axes including capability of pivoting one segment of the patient supporting device with another segment of the patient supporting device.

Therefore, to have formed the Lamb et al. patient supporting device as attached upon a column as well as allow for pivotal attachment between sections thereof, as by forming separate pivotal segments along the main portion 10, would have been obvious to one having ordinary skill in the art at the time the invention was made as taught by Pennington et al.

As for **claim 20**, to have formed the resulting patient supporting table as detachable from the supporting column, thus allowing extended versatility, would have constituted an obvious expedient to one having ordinary skill in the art at the time the invention was made particularly, since it has been well established that if considered desirable for any reason it would be obvious to form parts or sections as removable one from another, In re Dulberg, 289 F.2d 522, 523, 129 USPQ 348, 349 (CCPA 1961). Also, that a claimed device is portable or movable is not sufficient by itself to patentably distinguish over an otherwise old device unless there are new or unexpected results, In re Lindberg, 194 F.2d 732, 93 USPQ 23 (CCPA 1952).

Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lamb et al. in view of Pennington et al. as applied to claims 1-11, 19, and 20 above, and further in view of Kirchgeorg.

Lamb et al. in view of Pennington et al. appears to express that the carrying structure is formed of a carbon fiber material. However, Kirchgeorg et al. does disclose a support structure formed of a carbon fiber material and substantially transparent to X-rays, col. 4, lines 49-59 and claim 10. Therefore, to have formed the modified Lamb et

al. support structure of a carbon fiber material, including any and all parts thereof, thus allowing for a high degree of transparency to X-rays as well as providing a sturdy support structure, would have been obvious to one having ordinary skill in the art at the time the invention was made as taught by Kirchgeorg et al.

Claims 2 and 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lamb et al. in view of Pennington et al. as applied to claims 1-11, 19, and 20 above, and further in view of Conner et al.

Conner et al. discloses utilization of connecting members in the form of a coupling element including a connecting element 80 that is movably mounted on the additional part of a support surface and that can be introduced into a receptacle 29, for example, within the main or another additional part. To have attached the additional surfaces 17 of the modified Lamb et al. support surface with a connecting device in the form of connecting elements that are movably mounted on the additional part 17 of the support surface and that can be introduced into a receptacle within the main part 10, thus allowing a quick connection and release therefrom, would have been obvious to one having ordinary skill in the art at the time the invention was made as taught by Conner et al. Further, to have attached the additional surfaces 17 of the modified Lamb et al. support surface with a connecting device in the form of connecting elements that are movably mounted on the main part 10 of the support surface and that can be introduced into a receptacle within the additional part 17, thus allowing a quick connection and release therefrom, would have been obvious to one having ordinary skill

in the art at the time the invention was made as taught by Conner et al. and since it has been established that mere rearrangement or reversal of parts has no patentable significance unless new and unexpected result is produced, In re Gazda, 219 F.2d 449, 104 USPQ 400 (CCPA 1955). To further form any such connecting parts of a carbon fiber material, thus allowing for uniformity within the modified Lamb et al. support surface, would have been obvious to one having ordinary skill in the art at the time the invention was made as taught by Conner et al.

Response to Arguments

Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Safavi whose telephone number is (571) 272-7046. The examiner can normally be reached on Mon.-Thur., 8:30-5:00.

MICHAEL SAFAVI
PRIMARY EXAMINER
ART UNIT 3673

M. Safavi
October 22, 2005